ORDER:

Challenging the action of the respondent in issuing impugned proceedings dated 04.11.2001 reverting the petitioners as Bill Collectors from Clerical cadre, the present Writ Petition is filed.

It is the case of the petitioners that they were initially appointed as Attenders in the respondent bank and subsequently promoted as Bill Collectors and thereafter as Clerks, and they were discharging the duties thereof without any complaint. But, the respondent-bank without issuing any notice or conducting any enquiry or following any due procedure, issued the impugned proceedings reverting them as Bill Collectors. Hence, the Writ Petition to set aside the same.

The respondent filed counter affidavit denying the allegations in the petition and contending that the petitioners were illegally promoted by the previous management of the respondent-bank in non-existent vacancies and hence, there is no illegality in issuing the impugned proceedings. Hence, it prayed for dismissal of the Writ Petition.

The learned counsel for the petitioner contended that without giving any notice or opportunity, they were reverted and the same is against the principles of natural justice. On the other hand, the learned standing counsel appearing on behalf of the respondent-bank contended that without there being sanctioned posts, the petitioners were promoted, and after rectifying the illegality the impugned orders have been given effect to, and hence, the impugned proceedings do not suffer from any infirmities.

By virtue of the impugned proceedings, the petitioners were reverted to the post of Bill Collector on the ground that the promotions of the petitioners were illegal. The management took a decision that the

promotions of the petitioners are contrary to the bye-laws since there were no sanctioned posts. When there are no sanctioned posts, question of giving promotion does not arise. No right of petitioners would be infringed when they were reverted from illegally promoted post and in such circumstances, question of violation of principles of natural justice does not arise.

It is submitted in the counter affidavit filed by the respondent-bank that only five regular posts of Clerks are available in the bank and five regular employees are working in the said posts. The said counter allegations are not controverted. When there are no existing sanctioned clerk posts, question of continuing the petitioners in the non-existing posts does not arise.

The Writ Petition is devoid of merits and is, accordingly, dismissed. No costs.

(K.C.Bhanu, J.)

01.09.2005

DRK

THE HONB'E SRI JUSTICE K.C.BHANU

WRIT PETITION No. 23464 of 2001

Date: 01.09.2005

Between:

1)R.Somaraju, s/o. Durga Rao, Clerk,

Innispeta Co-op. Urban Bank, Rajahmundry,

R/o. D.No.62-84, Ramdaspet, Rajahmundry & another

…Petitioners

and

The Innispeta Co-op. Urban Bank Ltd., rep.

By its Secretary, Rajahmundry

…Respondent